

**BEFORE THE CHIEF INFORMATION OFFICER
STATE OF NORTH CAROLINA
DEPARTMENT OF INFORMATION TECHNOLOGY
Proceeding No. 000-1000A**

AMPLIFY EDUCATION, INC.,)	
)	
Petitioner,)	
)	
v.)	
)	
NORTH CAROLINA)	JOINT NOTICE OF INTENT TO
DEPARTMENT OF PUBLIC)	SEEK WRIT OF MANDAMUS
INSTRUCTION,)	
)	
Respondent,)	
)	
IMAGINATION STATION, INC.,)	
)	
Respondent-)	
Intervenor.)	

NOW COME Respondent North Carolina Department of Public Instruction ("NCDPI") and Intervenor-Respondent Imagination Station, Inc. ("Istation") and jointly file this Notice of Intent to Seek a Writ of Mandamus directing the Hearing Officer to Issue a Reconsidered Ruling on Petitioner's Motion for Stay. On August 21 and 22, 2019, Respondents filed motions seeking reconsideration of the Hearing Officer's August 19, 2019 Order for Temporary Motion to Stay ("Stay Order"). Those Motions came before the Hearing Officer on October 1 and 3, 2019. The Hearing Officer granted the motions to reconsider and stated that the Stay Order would be "replaced with something." [Stay Hr'g Tr. Vol. II, 269:19-20 Oct. 3, 2019]. The Hearing Officer also noted that he understood the importance of a timely ruling in this matter. [Stay Hr'g. Tr. Vol. II, 291:15-17 Oct. 3, 2019]. No reconsidered ruling has been issued as of the date of this filing.

At the time of this Notice, two months have elapsed since the hearing and three and a half months have elapsed since the motions were filed. The middle-of-the-year diagnostic assessments

required by N.C. Gen. Stat. § 115C-83.6 begin for year-round schools in December 2019 and for traditional schools in January 2020. In addition, the Memorandum of Agreement between DPI and Istation, which provides the only assessment tool available to NCDPI to comply with the statutory mandate in N.C. Gen. Stat. § 115C-83.6, expires on December 31, 2019. Respondents sought relief long in advance of these dates, but the worsening statewide confusion resulting from lack of clarity on the stay now threatens to implicate the fundamental, constitutional rights of public school students to a sound education.

As such, unless a reconsidered ruling on Petitioner's Motion for Stay is filed by noon on December 9, 2019, Respondents will be forced to seek relief in superior court.

Respectfully submitted this the 3rd day of December 2019.

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CERTIFICATE OF SERVICE

We hereby certify that we have this day served the foregoing **Joint Notice of Intent to Seek a Writ of Mandamus** upon all parties to this matter by United States Mail, First Class, postage prepaid, and addressed as follows:

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Respectfully submitted this the 4th day of December 2019.

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